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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/587,033	07/24/2006	Tatsuya Nishi	L9289.06169	9249

52989 7590 04/01/2009

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EXAMINER	
CHOKSHI, PINKAL R	
ART UNIT	PAPER NUMBER
2425	
MAIL DATE	DELIVERY MODE
04/01/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/587,033	NISHI ET AL.	
	Examiner	Art Unit	
	PINKAL CHOKSHI	2425	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 February 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *28-41* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *28-41* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 2/3/2009 with respect to claim 28 have been considered but are moot in view of the new ground(s) of rejection. See the new rejection below.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. **Claims 28-36 and 38-41** are rejected under 35 U.S.C. 103(a) as being unpatentable over US PG Pub 2005/0122429 to Katsube et al (hereafter referenced as Katsube) in view of US Patent 7,469,413 to Mizutome (hereafter referenced as Mizutome).

Regarding **claim 28,** "a digital broadcast receiving apparatus" reads on the communication terminal device that receives TV broadcasting data (abstract) disclosed by Katsube and represented in Fig 1 (element 5).

As to "apparatus comprising: a storage section that stores a plurality of channel lists corresponding to a plurality of different broadcast areas associated with a switching time" Katsube discloses (¶0029-¶0030) that the communication terminal receives and stores TV broadcasting information for current

broadcasting receivable area as well as broadcasting areas adjacent to current broadcasting area in real time as represented in Fig. 1 (element 11) and Fig. 6. Katsube further discloses (¶0031) that the record information stored in the storage device also includes date and time which is changed based on the record information received.

As to "a time information acquisition section that acquires current time information" Katsube discloses (¶0062) that the communication terminal receives and stores current time information.

As to "a channel list control section that uses a channel list to which a current time acquired by said time information acquisition section and the switching time stored in said storage section correspond as a currently usable channel list" Katsube discloses (¶0025) that the communication terminal depends on the base station information, stored in the storage device, periodically received to acquire information such as a TV broadcasting receivable area and a TV broadcasting frequency matching to the base station information and sets a TV broadcasting frequency which is suited to the TV broadcasting receivable area. Katsube further discloses (¶0041 and ¶0045) that the controller in communication terminal verifies a current TV broadcasting receivable area received in real time and retrieves a TV broadcasting frequency matched with the TV broadcasting receivable area to acquire current broadcasting information as represented in Fig. 1 (element 10).

Katsube meets all the limitations of the claim except "channel list is produced based on the comparison of current time and the switching time stored in the memory." However, Mizutome discloses (col.11, lines 11-19; col.13, lines 52-64) that the EPG related to different time zones (switching time) are stored in the memory, where display device displays program information on a program broadcast at time zone corresponding to the current time. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Katsube's system by matching time for stored channel list with the current time as taught by Mizutome in order to automatically provide current time program guide information that's related to time zone.

Regarding **claim 29,** "the digital broadcast receiving apparatus further comprising a channel selection section that selects a service channel included in a first channel list used as a currently usable channel list" Katsube discloses (¶0044 and ¶0045) that the user selects and starts watching a TV program channel when user activates a TV function as represented in Fig. 3 (step S1).

As to "wherein said channel list control section, if, when switching from said first channel list to a different second channel list as a currently usable channel list, a service channel selected by said channel selection section is included in said second channel list switches a channel list while maintaining channel selection of a service channel selected by said channel selection section" Katsube discloses (¶0047 and ¶0048) that when user moves from one

broadcasting area to adjacent/another broadcasting area, user can continuously watched the same TV program with other programming information on communication terminal as represented in Fig. 3.

Regarding **claim 30,** "the digital broadcast receiving apparatus further comprising a channel selection section that selects a service channel included in a first channel list used as a currently usable channel list; wherein said channel list control section, if a service channel selected by said channel selection section is not included in a second channel list different from said first channel list, switches a channel list after selection of a service channel selected by said channel selection section is discontinued" Katsube discloses (¶0049, ¶0086, ¶0087) that if there is no information matching to the current position program available, then the user on communication terminal can not continuously watch the program and communication terminal switches to another broadcasting program information as represented in Fig. 3 (steps S3,8-10).

Regarding **claim 31,** "the digital broadcast receiving apparatus further comprising a channel selection section that selects a service channel included in a first channel list used as a currently usable channel list; wherein said channel list control section, if selection of a channel included in said first channel list by said channel selection section fails, or if selection of a service channel selected by said channel selection section is discontinued, causes said channel selection

section to perform channel selection using a channel not included in said first channel list, or a channel selected last when said second channel list was previously used as currently usable channels, among channels included in a second channel list with which a switching time close to a current time acquired by said time information acquisition section is associated, and switches to said second channel list on condition that channel selection succeeds" Katsube discloses (¶0086) that when the communication terminal moves from one receivable area to another and determines that the memory did not store broadcasting information matching to the current position, TV broadcasting is stopped. Katsube further discloses (¶0053) that when the communication terminal is moved to a different broadcasting area, terminal tuner tunes to a TV frequency where terminal determines, based on the date and time, the program that was watched last time when the terminal was in that broadcasting area as represented in Fig. 6.

Regarding **claim 32,** "the digital broadcast receiving apparatus further comprising a channel selection section that selects a service channel included in a first channel list used as a currently usable channel list; wherein said channel list control section, if a combination of frequency channels for which channel selection by said channel selection section was successful is different from any combination of frequency channels in channel lists stored in said storage section, acquires a new channel list corresponding to a broadcast area at a current

location" Katsube discloses (¶0042) that when the communication terminal moves between different broadcasting areas, controller automatically sets to a frequency suited with that area if the frequency stored in the storage unit doesn't match with the frequency of current receivable area.

Regarding **claim 33,** "the digital broadcast receiving apparatus further comprising a channel selection section that selects a service channel included in a first channel list used as a currently usable channel list; wherein said channel list control section, if channel selection by said channel selection section fails for channels included in all channel lists stored in said storage section, causes said channel selection section to perform a channel search until channel selection succeeds for a frequency channel, and acquires a new channel list corresponding to a broadcast area at a current location" Katsube discloses (¶0027) that the communication terminal moves from one broadcasting area to another and when the frequency for the current broadcasting program is failed to receive current broadcasting, terminal acquires information associated with the base station information, current receivable area and broadcasting frequency, and switches to a frequency suited to the current receivable area.

Regarding **claim 34,** "the digital broadcast receiving apparatus wherein said channel list control section, if switching from said first channel list to said second channel list is later than a switching time associated with said second

channel list stored in said storage section, updates the switching time associated with said second channel list to a time at a time of channel list switching" Katsube discloses (¶0031) that the communication terminal stores record information such as TV broadcasting receivable areas associated with the broadcast programming information and updates this information by storing date and time at which the record information was updated.

Regarding **claim 35,** "the digital broadcast receiving apparatus wherein said channel list control section, if switching from said first channel list to said second channel list is earlier than a switching time associated with said second channel list stored in said storage section, updates the switching time associated with said second channel list to a time at a time of channel list switching" Katsube discloses (¶0031) that the communication terminal stores record information such as TV broadcasting receivable areas associated with the broadcast programming information and updates this information by storing date and time at which the record information was updated.

Regarding **claim 36,** "the digital broadcast receiving apparatus wherein said channel list control section, if switching is performed to a channel list in an order different from times stored in said storage section, causes said storage section to newly store a channel list switched to, associated with a time at which switching was performed" Katsube discloses (¶0031 and ¶0062) that the

communication terminal stores record information such as the broadcast programming information (channel list) and updates this information by storing date and time at which the record information was updated again.

Regarding **claim 38,** "the digital broadcast receiving apparatus further comprising a channel selection section that selects a service channel included in a first channel list used as a currently usable channel list; wherein said channel selection section, if a service channel included in selected said first channel list is not included in a second channel list different from said first channel list, performs channel selection using a channel of an affiliate of a broadcasting station that provides a selected service channel" Katsube discloses (¶0069, ¶0097) that if there is no broadcasting station which is broadcasting the same program when moved from one broadcasting area to another, the terminal switches to a TV broadcasting frequency of a program that belongs to the same family.

Regarding **claim 39,** "the digital broadcast receiving apparatus further comprising a channel selection section that selects a service channel included in a first channel list used as a currently usable channel list; wherein said channel selection section, if a service channel included in selected said first channel list is not included in a second channel list different from said first channel list, performs channel selection using a channel selected last when said second

channel list was previously used as currently usable channels" Katsube discloses (¶0053) that when the communication terminal is moved to a different broadcasting area, terminal tuner tunes to a TV frequency where terminal determines, based on the date and time, the program that was watched last time when the terminal was in that broadcasting area as represented in Fig. 6.

Regarding **claim 40,** "the digital broadcast receiving apparatus further comprising a channel selection section that selects a service channel included in a first channel list used as a currently usable channel list; wherein said channel selection section performs channel selection using a channel that broadcasts a same program as a program selected using a channel included in said first channel list, based on program information of broadcasting stations included in a second channel list different from said first channel list" Katsube discloses (¶0067 and claim 9) that the TV broadcasting tuner switches from current broadcasting frequency to a frequency of another channel which is broadcasting the same program.

Regarding **claim 41,** "the digital broadcast receiving apparatus further comprising: a last channel storage section that stores a last channel selected last when previously used as a currently usable channel for each of said plurality of channel lists" Katsube discloses (¶0031 and ¶0045) that the communication

terminal stores record information such as TV program was watched the last time with current base station information.

As to "a frequency channel selection section that performs channel selection using a frequency channel indicated by said last channel" Katsube discloses (¶0031) that based on the record information stored in the communication terminal, which also includes frequency used to watch last channel, terminal uses the same frequency it used to watch the last channel in that receivable area as represented in Fig. 6.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. **Claim 37** is rejected under 35 U.S.C. 103(a) as being unpatentable over Katsube in view of Mizutome as applied to claims 28-36 above, and further n view of US Patent 7,366,461 to Brown et al (hereafter referenced as Brown).

Regarding **claim 37,** "the digital broadcast receiving apparatus wherein said channel list control section, if a channel list with which a time newly stored in said storage section is associated is not used, deletes the channel list that was not used from said storage section" Katsube discloses (¶0031 and ¶0062) that the communication terminal stores record information such as the broadcast

programming information (channel list) and updates this information by storing date and time at which the record information was updated again. However, Katsube does not explicitly teach if updated channel list is not used, then it's deleted. Brown discloses (col.6, lines 44-55) that the programming content is stored in the memory and less desirable content or not used content is erased from the memory. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Katsube's system by deleting programming list not used by user as taught by Brown in order to maintain only user's interested program in storage device and also to free up space on the storage device.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PINKAL CHOKSHI whose telephone number is (571) 270-3317. The examiner can normally be reached on Monday-Friday 8 - 5 pm (Alt. Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Pendleton can be reached on 571-272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Pinkal Chokshi/
Examiner, Art Unit 2425

/Brian T. Pendleton/
Supervisory Patent Examiner, Art Unit 2425